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**Charter Revision Transcription**  
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**Lynne Langlois, Chairman Historic District-** Mr. Edgar said they are very interested in hearing Ms. Langlois views on the length of the term, the use of the alternates, the usefulness of alternates, anything that she can enlighten them on or help them with as they analyze these provisions to see whether this is the way it should stay or whether there is something that should be addressed, and also the size of the commission. Mr. de Keijzer added their authority. Mr. Edgar said he did not think the authority was particularly spelled out in the Charter at this point and he did not know that they were going to put the authority into it. Ms. Langlois said she had a useful sound bite for them on that subject.

Ms. Langlois said in the 2010 State handbook it says the authority to designate a Historic District Commission or Historic Properties Commission is granted to municipalities by the State. As such, all commission activities must comply with and operate within the parameters of State law. While HDC's and HPC's can further specify and interpret that law, they may not supersede it. Weston has in fact already superseded it in that the State Statute called for three alternates, not two. Mr. Edgar asked if she had a site on the State Statute. Ms. Langlois said she would find it for him.

The State Statute calls for three alternates not two and for many years they had three alternates and she can't tell you in what year but in the fairly recent past that number was reduced to two in accordance with the Charter. Since the missing alternate was a Republican, she spoke to Judy Stripp about it and she referenced the Charter and that was sort of the end of it.

In general she would say that the size of the Commission is appropriate and it is a good thing to have alternates and it is appropriate for a couple of reasons. She also served on the Historic District Commission in Mystic so she has some experience outside of Weston and that Commission was involved in many many many properties. They met twice a month. This Commission doesn't even meet every month. They have regularly scheduled meetings on the first Wednesday of the month but if they don't have any business they don't meet. One of the effects of not meeting absolutely the first Wednesday of every month is that it is less written in stone in people's minds and in their diaries, so it's good to have alternates and in fact some of their alternates have been some of their most conscientious members, so she would like to advocate for complying with the State Statutes and going to three alternates instead of two.

The State Statutes ask them to have a variety of expertise on the Commission and it gives them a broader base from which to draw to have someone who has some legal background. They never have all those things, someone with some legal expertise, someone with historical expertise, someone with architectural expertise; you want someone who is plugged into the community, so all of that works well.

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Ms. Langlois said it was section 7-147 c subsection d. The Historic District Commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality. Alternates are appointed in rotation in so far as is possible. Mr. Edgar asked if it said anything about the term. Ms. Langlois said appointments to membership in the Commission shall be so arranged that the term of at least one member expires each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment.

Mr. Bochinski said we really should take a look at it too because they found in so many cases that there is sometimes a qualifying clause in there that permits that part of the law in terms and numbers of people to be overridden by the Charter. Sometimes it's buried in there or in another section.

Mr. Edgar said that Ms. Langlois would like to expand it to three alternates, she's comfortable with the size, (the five), it may well be required, and you would like to expand to three alternates like we said and the five years also seems statutory. He asked if she had any other thoughts on the scope of the authority or any of those issues. Ms. Langlois said she thinks it is very well defined and as she mentioned in the beginning she has served on the Historic District Commissions in two Towns. The Mystic Historic District is probably well known to all of them and is a very large district and the statutes really work pretty well. She really doesn't have any suggestions for improvement. She thinks it is in the category if it "isn't broke don't fix it".

Mr. de Keijzer asked where it fits in the picture when it comes to the authority you have in the local Town. If Planning and Zoning says one thing and you say another thing, the Historic Commission can overrule or object? Ms. Langlois said they do not have the same authority at all. They actually had a joint meeting with a representative of Planning and Zoning Commission last year. Basically they don't intersect. They control land use and the Historic District Commission control physical appearance. She said she could not think of a situation where that has been a conflict. It is a little bit of a question if you get into that Village District thing but she thinks the Village District thing at least for the short term has been withdrawn. Her understanding in that case was the Historic District Commission would have the prior authority and would have precedence over the Village District in the situation that we are in Weston where it was already in a Historic District and the Village District was going to be an overlay.

Mr. de Keijzer said there is an appointment required every year. Do you have any problems filling those appointments? Ms. Langlois said mostly you have problems filling the alternate positions. It is not a political stepping stone; it's something that people do because it's of deep interest to them. The latest alternate appointment was absolutely fabulous. Mr. de Keijzer asked if she had occasion where there was an empty chair so to speak for six months or a year. Ms. Langlois said they had one for about six months when someone moved out of Town and it took a while to fill that vacancy but ordinarily that has not been a problem.

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Ms. Bliss said to summarize, the only change you would recommend is going to three alternates. Ms. Langlois said "Right as per the State Statute."

Ms. Langlois thanked the Commission and they thanked her for coming.

**Susan Moran and Laura Smits, Registrars**-Mr. Edgar said they had a number of things to go over with them. In the Charter section 6.2 and 6.3 we have what you might call technical voting rules that they had deferred from a prior meeting until the registrars got here to make sure that they were a) comfortable with them and b) that we felt that they were in compliance and there didn't need to be any changes. For example the second paragraph, the Board of Selectmen shall provide suitable polling places in the district or districts and shall define the boundaries of the area to be served by each polling place. Since there is only one district pursuant to the Charter it seems, to say the least, misleading to say that there could be multiple districts in the second paragraph. He said that is not that substantive but that is an example as you walk through this it doesn't seem entirely clear what's meant and what's going on. He asked if they had any issues with that, 6.2 , 6.3 and are we operating in accordance with those provisions.

Mr. Bliss said for State elections we actually have two voting districts. Ms. Smits said right. Ms. Moran said you can have one district and multiple polling places. A lot of Towns have that. Mr. Edgar said what Mr. Bliss is saying that we have two districts for some purposes. Ms. Moran said State Senate. Mr. Bliss said we do not have any say in that. Mr. Edgar said maybe we need to be a little clearer though and say for purposes of municipal elections, he guesses is what they are really saying. Mr. Bliss said there are Towns that are split on Federal Congressional Districts. Ms. Smits said we do not have that problem and unless we did would probably have one polling place unless everyone wants to give up two acre zoning and we all of sudden have tons of people show up - then we have to think about that. For one polling place she doesn't think we should specifically say that necessarily in the Charter because we don't know.

Ms. Moran said we have 6,600 voters and she would argue that is one of the largest polling districts across the State of Connecticut. If at any point and time Weston felt that that was unruly (although she thinks that they do an admirable job getting people through in a highly attended election), it wouldn't restrict the language so that if future registrars thought there should be two polling places, they have designated two. She said they only have at this point five tabular machines and that will restrict how many polling places you can have.

Mr. Bochinski said even on the big elections that he has seen, he thinks people get through reasonably well. Ms. Smits said the presidential elections obviously have the most traffic. Mr. Edgar said they are basically saying let's keep the flexibility and there are some Charters that simply say we have one voting district. Ms. Smits said she didn't want to lock anyone into that. Ms. Moran said you do just have one voting district in municipal elections. She said do not restrict yourself to one polling place.

Mr. Edgar said the third paragraph is sort of hard to argue with. You're going to do what is required by law. He's not sure that it is critical that we have this here. He asked if they were okay with 6.2 and was there anything else there. Ms. Smits said it was vague enough and clear enough at the same time. Ms. Smits said 6.3 is determined by State Statute. Mr. Edgar said 6.3 gives you alternative ways to do it. He is assuming that the way we are doing it here; this 9.15 (a) gives you a couple of ways to comply; it's not mandated that you do it this way but this is what you're following now and does the assistant town clerk gets involved in this? Ms. Smits said "yes" especially when it comes to absentee ballots, they pretty much rely on them. Absentee ballots are part of the Town Clerk's job. Ms. Moran said the Registrar of Voters is a part-time job, it is not a full time position and therefore they are not required to be in the office. However if an elector comes into the office at any given point and time, someone has to be there to accept the voter registration and that's when the Town Clerk and Assistant Town Clerk can verify the documentation.

Mr. Edgar asked if they met as a Board. The Charter talks about a Board consisting of three people. The registrars said they do not. Mr. Moran said they confer before elections and any given time when there are issues that affect all of them. Ms. Smits said she doesn't consider them a board in the sense of the other boards. They are obviously paid as are the Town Clerks. They do not have public meetings. Mr. Edgar said that the statute uses the term Board for admission of electors, something along those lines. He's not sure if that is an exact term. Mr. Edgar said you might want to check just to be sure that there is nothing you need to be doing as a Board. Ms. Smits said they have often wondered how the State determined what the Town Clerks do and what they do and sometimes it seems to them that there should be some things that we do and that they do but they really don't know how that happened in other towns. We are fortunate in the sense that our Town is so small and we are all in the same office. In other Towns the Town Clerks are way down the hall and the registrars are over here and the registrars don't necessarily know how an absentee ballot is received because they are not privy to that information, so one of the upsides to us being so small is that we are kind of aware of what goes on and what the process is beyond their scope.

Mr. Edgar said he did not think we had flexibility to change the Charter here. It is really more or less a question of making sure we are in compliance with 6.3.

Mr. Edgar said the other one they have for them is 6.5. Basically it says that if you have a tie, then the election is adjourned and you must have an election on the seventh day after the results of the election are published basically. Obviously you could have a rare situation where you have a tie in the first instance. If you had a special election or something like that the seventh day could in fact be a holiday so the question being presumably you would not have a problem if we said between 7 and 14 days.

Mr. De Keijzer asked if you could change it with a flip of the coin. Mr. Edgar said are you saying that because you don't want to spend the money to break the tie? Mr. de Keijzer said "Or the time". Mr. Edgar said he thought that this was statutory. Ms. Smits said that she thinks there is an automatic recount if it's below a certain number. Ms.

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Moran said she thought the first thing to do is recount. Mr. Bliss said there is nothing lost saying 7 to 14 days.

Mr. Bliss asked if there were any other items in the Charter that they thought were either inappropriate or could be updated or modernized or affect you in any way that should be changed. Mr. Edgar said we have Article 8 for sure. Informationally, they are starting on Article 8 next meeting. They have already had some discussion on Article 8. The last two years they have had a referendum and the question then becomes is there..... He's sure that they will consider alternative ways to do things. Mr. Bliss said he was directing his question not to Article 8 but to the other sections because this one we will deal with at a later date in a lot of detail. Mr. Edgar said he would like to get some background on that if we could while we have them here.

Mr. Bliss asked if there were any things of the sections they talked about so far that they feel need to be changed or modified. The registrars said no. Ms. Smits asked if the discussion of the Town Meeting machine ballot could be part of Article 8. Mr. Edgar said that it will be folded in together.

They decided to look at sections 12.6 and 12.7. Mr. Edgar said the question is are they current? 12.6 tells us that you are supposed to comply with the law. Ms. Moran said many of the election laws were changed in the past six to twelve months to reflect the new technology in the State and there are many revisions that are still pending. The registrars of voters of Connecticut have a laundry list of word changes to accommodate the changeover from voting lever machines to the optical scanning machines. That's being addressed on a statewide level. Mr. Edgar said these are fundamentally, totally State requirements. Ms. Moran said under paper ballots the provision is if there are not enough pre-printed paper ballots for the tabulators, then Xeroxed paper ballots may be used and hand counted at the end of the election. Mr. Edgar said this section really deals with a different issue about if voting machines are not available, paper ballots may be used. Seems like it is antiquated. He said the basic point that he would like to make is he thinks we are going to get in more trouble trying to articulate some of the State rules in this Charter as opposed to just obeying the State rules which will be in some kind of general provision which of course will say there is a State statute that mandates us to do something we are going to do it as opposed to trying to pick or choose about one or another aspects of voting.

Mr. Bochinski said he was looking into our four model Charters and he can't find anything about that area, about how to conduct an election with paper ballots. Mr. Edgar said it is really not relevant to the Charter. Mr. Edgar said if you were offended by that they would be inclined to take those out rather than leave in antiquated or misleading information. 12.6, 12.7 don't seem to do us much good. Mr. Bliss said he's sure State statute tells you what you should do if you run out of ballots so there is no need to have it in the Charter. Ms. Moran said they are still debating the Bridgeport issue. Ms. Smits said there is talk of mandating Towns to have a ballot for every voter which would be an incredible expense. Ms. Smits said for the Presidential election they always plan for more because they always get the 90% turnout so they always plan for that.

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Mr. de Keijzer said in general what they are trying to do is to set a principle without going through specific procedures if it is a State statute or ordinance or whatever. Mr. Edgar said moving quickly to Article 8, right now as the sections relate to each other, it is not all in Article 8. There can be a petition resulting in a machine ballot and there could be (as was the case last year) the Selectmen mandated a ballot. One of the things that has been raised by one or more people testifying early on, was look at Wilton. Wilton has a provision that basically says that after the ATBM you can vote and then there is a second opportunity to vote. He thinks on a Saturday. He asked the registrars what practical issues would that present if they were to do that.

Ms. Smits said they had several conversations with the registrars in Wilton and they basically have their machines available and it is determined already that you are going to vote at the ATBM on a machine. People get checked in as normal to the meeting and once the discussion is done and the numbers are solidified everyone has to come back out and recheck in because there are spectators who are not eligible to vote and then you are handed a ballot. This would be a generic ballot which is what they have which basically says do you approve the budget as amended by the meeting and it says yes or no. Therefore you save money by having ballots that are never changed. Technically you have one card that is programed for that response that you use every time you have a machine vote so that cuts down some of the expense.

On Saturday they have a very short window and in the mean time they have absentee ballots available but only in person because it is less than three weeks. You need at least three weeks to turn around and mail a ballot which is State statute. If it is less than three weeks time between the actual vote and the meeting that has been voted on, you have to appear in person. Ms. Moran said, however, you may designate a family member, which is different from regular absentee balloting to both pick it up and deliver it, so there are some concessions that are made to facilitate the absentee ballot.

Mr. Edgar said 7-7 talks about having voting between 6:00am and 8:00pm and then you can extend it. Ms. Smits said their recommendation would be if they are going to proceed with a machine ballot permanently within the Charter they suggest that they don't make it a 6:00am to 8:00pm Election Day kind of thing. They would not be against having a machine there, it is very simple. You have it in a separate area and that's secured. When the voting is done that night, you turn it off and lock it up like they usually lock them up and then they drag that same machine out, turn it right back on and continue where they left off on Saturday. Mr. Edgar asked on Saturday do you have a different ballot because by that time you know what the number is. Ms. Smits said no and even the ballots that they have used the past two times do not have specific numbers on them. Ms. Moran said because there is not enough time to print it. Ms. Daniel said by the same token there is not enough time to get the word out through the newspaper to the public what the figures were. She asked if following that quickly within the same week was enough or should there be more specification that there has to be a certain amount of time - a week to ten days - so that the public can get word of what the debate was and what amendments were made. She asked the registrars what their thinking was on it.

Ms. Smits said that she hadn't really thought beyond the vacation because that is the problem with April. There is always that big break. She's sure more time would be informative but her feeling is that the people that are interested are interested. Mr. Bochinski said wouldn't they know simply by being on line. Mr. Edgar said not everybody is on line. Ms. Moran said if you look at the participation rate of the two machine votes that we have had to date and, grant it, their participation rate is higher than what we have at an ATBM meeting, but we had 17.7% of our voters appear in 2010 and only 13.7% appeared in 2011. There were 1,118 voters in 2010 and 885 in 2011. Ms. Daniel asked about the number of voters at the ATBM. Ms. Smits said 150 is probably a higher number and it may be more like 120. Ms. Smits said there is a feeling the it was because people knew there was a machine vote soon after the ATBM and it probably kept the ATBM down a little lower. Ms. Daniel said except it has been 150 for about five years so it hasn't really fluctuated that much. One of the reasons they like having the machine at the ATBM is it is going to capture the people who go to the meeting who might for whatever reason not be able to show up.

Mr. Bliss asked about the absentee ballot process. He said people can come to Town Hall but they can only vote by absentee ballot if they are not available to vote on that Saturday from 8:00am to 12:00pm or whatever hours you have. Ms. Moran said the statute says it's the same rules. Ms. Smits said we would have voting Wednesday night, absentee ballots available Thursday, Friday during Town Hall hours and Saturday they talked about 8:00am to 2:00pm being appropriate. She thinks 9:00am to 12:00pm is a little short. Mr. Bliss asked if they know what hours Wilton has. Ms. Smits said that she thinks Wilton is 9:00am to 12:00pm but it is not very long. They will talk to them about it but they said after the initial novelty has worn off they have had a tough time getting people to vote and work on Saturday. The big push is on the night of the ATBM for them.

Mr. de Keijzer asked if they had enough time to square the list. You have to make a list of who voted at the ATBM. Ms. Moran said you use the same checkers list. Mr. Edgar said another question on the list is Article 8, the ATBM. If you want to be eligible to vote, you have to be a voter or you have to be a property owner who pays taxes of at least \$1000 and that comes in somehow. So now we are doing machine, do you have a separate list of people who are not voters and you apply that list in both instances. Ms. Moran said they bring the grand list up to the ATBM and if you are a taxpayer but not a voter, and an American citizen, then you can cast a ballot. You have to actually fill out an affidavit that says you are voting this way and then they make them fill out a list and actually in their little packet of voting by referendum it says that they are supposed to give them a separate voting box. Mr. Edgar asked what that meant. Ms. Moran said that it means that they have to deposit their ballot in a separate spot. Ms. Smits said they would be hand counted. She said even on a good day they have five tops - it's not that many.

Ms. Daniel said how many days after the ATBM would you have a second machine referendum. Some of the Charters were the first week of May - it is not unusual. If the school schedule were adaptable to this or if we were adaptable to the school schedule would you have any problem with making it seven to ten days? Ms. Smits said she would

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defer to the First Selectman and what they needed to do. She said they basically take their orders from them but they have no problem. Ms. Moran said the other people that should weigh in on that are Donna and Ellen based upon the amount of absentee ballot trafficking that they are going to get because that would expand their role because they would get a lot more absentee ballots that way. Ms. Moran said you have to be sure that it is not expanded over three weeks because then we have to be able to provide mailed ballots. Ms. Daniel said under three weeks would be a recommendation.

Ms. Smits said they had one thing to add and that is they want the Commission to understand that currently with the Charter as it stands we can do a hand counted secret ballot at the ATBM. The Selectmen can call for that just like they call for a machine vote before the event. If they call for it before the event they think everybody would be stacked up and they think the expectation would be that there would be some lead time built into the ATBM and that would permit them to still have a vote that night, have a decision that night and it would be secret, but then it would preserve the small town sense of government.

Mr. de Keijzer asked if all of us going in would get a ballot saying yes or no and submit it afterwards? Ms. Moran said no, you still have to come out and you still have to recheck. She said usually what happens is we have to vote to have a secret ballot and that gets debated and that can be debated over a long period of time and the last time that they did that it was debated for almost 20 minutes. Mr. Edgar said just to be clear you're talking about the process of determining whether the budget should be reduced not the process of approving the ultimate budget. Ms. Smits said they were talking about approving the ultimate budget. Ms. Moran said you can only vote to reduce the budget at the ATBM. Mr. Bliss said that's how it works but if you have the voting machine you're probably not going to do that. Ms. Smits said if the point of the exercise is to have a secret ballot we can do that now but the problem is the way it is lined out in the Charter we have to as a body vote on "do we want to do that" and the answer is always no. Mr. Edgar said that is a different process, which is a totally different subject than the machine voting subject.

Mr. Edgar asked where in the Charter does it say that the Selectmen as a Board can mandate that any vote taken at the meeting be by secret ballot. Mr. Edgar said what section. They said 2.5 a. Mr. Edgar said 2.5 a really doesn't help them. That's talking about machine ballots, that's not really secret ballot. 2.5 (a) explicitly doesn't cover the annual budget meeting. Mr. Bliss said there is a provision somewhere for a secret ballot. Mr. Edgar said he is trying to figure out what the authority is in the Charter right now that would permit the First Selectman to mandate a secret ballot.

Ms. Moran said the only other information that they brought that they thought the Commission would find interesting is they did go back and recalculate the cost of the last two referendums and they run approximately \$3,600 a piece and this was based upon a 20 percent turnout. She said "I think if we felt that there was a very large issue and we would need more staffing people, it would be more than that. It doesn't include the \$1,100 that we get charged from the Board of Education to use their custodians." Tom Landry thinks that the new superintendent has a different view of the use of the school



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and that might not be an ongoing expense. Mr. Edgar said the real point is whether the school staff gets overtime. If they do then it is the expense of the Town whether the registrars pay or the Board of Education pays it. Ms. Smits said a lot of it has to do with the fact that the voting hours are so early and that is overtime right there. Because they have been voting while school is in session, they have been paying the police department \$315 for traffic or at least they did in 2010.

Ms. Daniel said she knew Wilton's budget line for their referendum, (and they are a much larger district,) is \$3,000 unless they had to up it last year, but 18 months ago it was \$3,000. Ms. Moran said we get there at 5:00am and they don't and we are there until 10:00pm so we have much longer shifts for our people and we feed them. Ms. Smits said they are also working on a generic ballot which they have not done in the past two years.

Mr. Edgar said they might ask them to come back if they get embroiled too deeply in some of this stuff and need their help. Ms. Daniel asked if the registrars could provide them with a sample ballot from Wilton. The registrars said yes.

**Amy Sanborn, Library Board-** Mr. Edgar said the specific point was the size of the board being nine members and any commentary that she had. Ms. Sanborn said she made a copy of the Charter that was related specifically to the Library and she apologized for not putting initials and date. She did copy and paste some sections from the State Statutes. Karan Tatarka, Library Director is here and has been extremely helpful to her in this process in finding some information and doing some research for them. Her dedication shows once again by wanting to be here to understand what is going on.

Ms. Sanborn said if you look at the document that has the seal on it which is copied from the statutes, she had heard about the nine members and the way the statutes are written. It talks about a number of members divisible by 3 and if you look at the election section, which she has to admit she had not looked at before thanks to Karen's research, it talks about six year terms and 1/3 and 1/3 and 1/3 being elected each two municipal years. On the first page under 9-207, the first full paragraph Library directors, any municipality after establishing a library ..... will elect 1/3 of the directors to hold office until the next such election, 1/3 until the second such election and 1/3 until the third such election and at all such elections if such municipality thereafter, 1/3 of the directors shall be elected to hold office for six years.

So it is divisible by three so 1/3 can come up every two years. The suggestion is that it be nine because if you had six or you had 12 it is an even number. Three is not enough and luckily she had heard that you all had had this conversation before we had our meeting postponed during the storm, so she was able to discuss with the Board how they felt and to quote one of members "if it ain't broke don't fix it". There is a strong sentiment to keep it at nine within the Board.

Mr. Edgar asked her to tell them how they function? What is the need for nine members? He said assume there is no Statute just for purposes of exploration. Ms. Sanborn said she thinks that it works well. For example they had a storm and they had to reschedule, it's

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better to have five than four. They also think it's good for dividing up how work gets done. Mr. Edgar asked if they had sub-committees that perform work. Ms. Sanborn said they don't have any really standing sub-committees, they create them as they need things to be done. At budget time they have had a budget committee, they have had technology committees, and copy committees? They have someone that does PR, they had a website committee a few years ago so it really depends upon how the process evolves.

Mr. Edgar said your basic feeling is if you have fewer than nine people that would be problematic. She said that she thinks there is another reason which is it is great to have more outreach into the community for something like the Library because everybody who is on the Board gives you a better..... More is better without being cumbersome. She can't tell you that it isn't more efficient sometimes if not everybody is there because it is important to listen to everybody and solicit everybody's opinion but she thinks that the tradeoff and the board felt that the tradeoff of having fewer people would not be as effective to deliver the best services and understand the communities needs as well as we can with nine.

Ms. Sanborn said one thing she did want to raise is the State Statute says they are elected. They are appointed and the Statutes are consistent with their by-laws. She started doing some research, which if the Commission would like her to continue with it she can, which was to go into a data base based on the reports that directors like Karen work hard to file every year that gives us..... What she started to do was to break down the libraries in that State and call out municipal verses association because Ridgefield, Westport, Wilton, Darien, Greenwich and New Canaan are all Associations not municipal libraries. For example the Westport Library Board has 20 members, 10 are appointed by the Library Board and 10 are appointed by the RTM so you can't really look at some of the associations and she doesn't to know to what extent they are -----play boards so there is a whole different dynamic when you are in an association.

What she did do was to pull out all of the municipal libraries and based on either their size or her familiarity looked at how many Library Board members there were. It ranges from five to fifteen, lots of six and nines and more nines than anything else from the ones that she looked at. What she has not done is to either make calls or see if she can determine whether these members are elected or appointed and she doesn't know to what extent given 12.3 it says that the Charter can supersede State Statutes whether we cannot be elected and be appointed. Our by-laws also say that we are appointed.

One thing she wanted to say because it did come up in discussions this summer is one of the things that is in the by-laws on membership. It says the Board should consist of nine members no more than five of them should be members of the same political party. Library Board members shall be appointed by the Board of Selectmen to four year terms of office after due consideration of the individual interest and lively activities and betterment and then it goes on to say this is not to be construed as limiting board membership to those who are registered members of a political party. She just wants to make sure that everyone knows that at least in their by-laws that is out there. She knows

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there has been some discussion about trying to reach out to get unaffiliated voters involved and that is one of the tenets of their by-laws.

Mr. de Keijzer asked if she knew what sections 11-20 and section 11-21 which are referred to in this election paragraph what those are. Ms. Bochinski said 11-21 is the one she and he talked about over the phone and it is the first clause that is intriguing because that would seem to offer some flexibility to the rule of three and so forth. Ms. Sanborn said 11-20 is the establishment. Mr. Edgar said if you wanted to make the case that it was slightly ambiguous you probably could. Ms. Sanborn said she could tell you that they did not have discussions as a Board as whether they should be elected or appointed. I don't think anybody wants to campaign, (who does) but there are some values to be elected as well.

Mr. Edgar said that is perhaps one question they will ask the Town Attorney to look at to verify. Ms. Sanborn asked if they would like her to try to do some research on others. Mr. Edgar said let's put it in the hands of the Town Attorney. Mr. Edgar said they appreciate her willingness to do that but ultimately it is a legal decision. Ms. Sanborn said if you wanted me to find a couple that were appointed as precedent she would. Mr. Edgar said yes if she comes back and asks for that.

Ms. Sanborn said they did not discuss four year verses six year terms. When you look down the list, as Lynne Langlois was saying (the Library Board is five years) if you look at every other Board or Commission they are two or four year terms. Mr. Edgar said there is one other that is five. Ms. Sanborn said Building Board of Appeals and she did take a look at that and obviously there is no precedent for six. Mr. Edgar said Board of Finance is six but they are a whole different thing.

Ms. Sanborn said in the section of the Charter that she copied for them, the first page just talks about for your Town as a Library Board. 7.8 talks about the nine members which their board would like to leave as is. In 8.7 under expenditures and accounting, and that is one of the reasons that she gave them the rest of the Statutes, it says no purchases shall be made by any agency other than the Board of Education and the Library Board for books and periodicals except for the First Selectman. She said they believe that this is antiquated based on the fact that the Library just bought books and periodicals and when you read these various sections from the Statutes where it talks about expenses the library fund empowers the duties. It is clear that the Library like the Board of Education is giving our appropriation and then we have authority as a Board to determine how it is spent. Mr. Edgar asked if she was concerned that (a) should be read that the Library Board can't buy without first Selectman approval. Ms. Sanborn said right, so they would like to just delete "for books or periodicals" and have it say other than the Board of Education and the Library Board.

Mr. Edgar said you are concerned about for example the compensation of a librarian? What's beyond the scope of that? Ms. Sanborn said no, you know how at the ATBM we vote on a number for the Board of Education but all the line items are given, we vote on a number for the Library Board in the Town Budget, they give all the line items whether

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it's salaries, professional development, maintenance, equipment whatever the sub categories are. Once that number, which is approximately \$400,000 dollars has been appropriated they as a Board, based on the Statutes have the authority to move that money around if they want to, just the way the Board of Education does.

Mr. Bochinski said when it said for books and periodicals is the objection here that you also buy other kinds of media. Ms. Sanborn said if we are under in some budget for example, if it is something significant, we don't do this without talking to Tom Landry. She said if you read each of these expenses sections, the officer designated by the trustee shall draw his order as may be necessary but the sums won't exceed what's appropriated. Mr. Bliss asked what section. Ms. Sanborn said in 11-22 expenses it says they cannot go over what is appropriated. She said she gave them the definitions in case they needed it. In 11-27 it says the monies in such fund shall be kept separate and shall be withdrawn only by authorized officials upon authenticated voucher of the trustees of the public library which provide such service. Ms. Sanborn said so they authorize Karen in her operations to spend the money. Under the powers and duties in 11-33 when it is talking about the trustees, shall have exclusive control of the expenditure of all monies collected to the credit of the library fund. It goes on to say that it's the trustees that can control it.

She said I will give you a couple of operating examples. When we discussed with the Selectman the hiring of a consultant for finding our new wonderful Library Director there were unspent monies that because we signed the contract by June 30<sup>th</sup> they were able to encumber and spend without having to appropriate more money. Last year there was money that was not spent that they were able to encumber to buy some computers because the Town had already been taxed. If the heating budget is low and they want to use some of that to buy books, we want the right to do that. They would never do that without talking to Tom because we would want to be where we are in the cycle. So if they want to move something from equipment to professional development, someone donates a computer and we don't need a computer Karen can send someone for training. Under the Statutes they have that authority.

Mr. de Keijzer said I think what I'm hearing you saying is since you're operating within a budget in any case to specify that it only be used for books and periodicals is too limiting, that you operate under a budget and that you operate under that budget if you need to and shift around to but to limit you under this Charter to books and periodicals is too limiting. Ms. Sanborn said like the Board of Education they should be allowed to move things between accounts within budget. Mr. de Keijzer said and beyond budget you need to get permission from the First Selectman. Ms. Sanborn said yes because we would be going over our appropriations.

Mr. Bochinski said when the ATBM and the Board of Finance approves the budget the Library Board is one line. Ms. Sanborn said correct with the supporting evidence there. Mr. Bochinski said what they are looking at is that line. That line would be voted on at the ATBM. If somebody wished to alter it downward and that could come from any part of what the Library Board may decide if they were reducing. Ms. Sanborn said just like the Board of Education they would be able to decide where we wanted to reduce that.

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Obliviously it related to building repairs, maintenance, heat they would clearly have to coordinate with the Town Hall.

Mr. Bliss asked what about Capital Budget. Would you include that in that or not? Ms. Sanborn said I think not because she can use the boiler as an example that has been approved but not yet installed. Ms. Sanborn said she was talking about operating budget. Mr. Bliss said good because he thinks Capital Budget should be totally separate with a separate process.

Ms. Sanborn said to the extent that Karen is aware and working with Tom that there are issues like the boiler or the roof that is outside of them. Any capital request would go through the Capital Committee and other than the roof and the boiler there have been none.

Mr. Edgar said are you saying that the way you get parity with the Board of Education on these issues is 11-33? Ms. Sanborn said it is partly 11-33 and 11-27. It says all monies collected or received and payment for Library service contracted for and rendered shall be placed in the treasury and the monies shall be kept separate and withdrawn. It talks about vouchers of the trustees that relates to, she could use fines as an example which is a contractual service but if someone loses a book but it shows the philosophy that the money that comes into the Library through contractual processes or appropriations is under the control of the Board.

Mr. Bochinski said that doesn't say appropriations though, does it. She said no I'm saying that together with contractual processes. Ms. Sanborn said all monies collected or received in payment for service contracted for and rendered says we control. Mr. Edgar said they would look at this in the context. Mr. Edgar said he appreciates their input. Mr. de Keijzer asked if the Library funds include what you get from the Friends of the Library. Ms. Sanborn said if they make a donation to them. They have their separate 501c3.

Mr. Edgar said fines are in your budget? Ms. Sanborn said fines are below the line revenue item. Mr. Edgar said you can use fines in your discretion according to this interpretation. Ms. Sanborn said yes, they have been a revenue offset but going forward they are going to accrue directly to the Library, so if somebody loses a book and pays the fine, Karen can go buy the book and not take it out of the current appropriation.

Mr. Edgar said you might note that 11-33 has a provision for appointing Library Board of nine trustees. Ms. Sanborn said the trustee shall be at their appointment. She did not know that the election section is there. Mr. Edgar said this says appoint. They will have to pass it through.

Mr. Edgar asked what else Ms. Sanborn has for them. She said she read section 12.5 and should they decide to make any changes that they don't want she has no idea how 12.5 other than attrition would take us down and if you want to go to six year terms and have it staggered 1/3, 1/3 and 1/3 you guys figure that out. They are happy with the way it is.

She will point out one other thing, which is she went to check on the terms of the Library Board members on when whose up when and how and she found it interesting. This is just a point of information, she has no comment on it. Coincidentally this year four Republicans are up, two years from now four Democrats and a Republican are up. She hadn't really thought about it because they are not a political board in any way shape or form but compared to municipal elections when it is usually two or two or three or one she thought this was very odd so she points that out.

Mr. Edgar said you're kind of stuck because if you change that then your minority rule gets messed up a little bit. It's not in the Charter unless they put a specific provision in there. Ms. Sanborn said she also checked their by-laws to make sure they were consistent with the Charter and they are.

Mr. de Keijzer said we have that issue about a number of people with terms and who can be appointed when and it needs to be straightened out with the Town Clerk and Selectman and having that rotation down. Ms. Sanborn said we have that rotation five four, five four every two years. Mr. de Keijzer said with the Republicans and Democrats. Ms. Sanborn said she didn't think you could do anything about it unless you change something. Mr. Edgar said otherwise you would create an imbalance in the Boards. Ms. Sanborn said practically speaking how would you change it unless you say Amy and George would you swap.

Ms. Sanborn said when we had our conversation at the polls, you said I could as a non-library person make one point. Mr. Edgar said absolutely. Ms. Sanborn said when they were talking about 2-6 and 2-7. 2-6 is the petition for overrule of action taken by a Board of Selectmen which now requires the 5% instead of 50 signatures and to overrule action taken by the Board of Selectmen then you only need a quorum of 100 voters. To petition for a Special Town Meeting to enact an ordinance or other action you need the 5% but then it requires a quorum of 5% and she thinks they are inconsistent and she thinks that to require 5% quorum to further business. Mr. Edgar said that Ms. Sanborn was unaware of the fact that they were going to change it not necessarily in a way that is going to make you happy. Ms. Sanborn said if you're going to do 5% instead of 100 for both. Mr. Edgar said no. They have a sense that this is the direction that they are going.

The 5% would remain for purposes of obtaining the petition. Then in order to get the petition approved or the action approved that was solicited by the petition you would need a 3% vote and you would have to get a majority. So that is to say if you got 3% of the Town to show up and they all voted in favor you would be there. Mr. Edgar said 3% is 195 approximately. Ms. Sanborn said that she thinks that number is significantly too high particularly given how many people over the last five years has shown up at ATBM's. She said we just heard numbers that were more like 120 and 150 and if you set the threshold at such a height that it is virtually impossible even for something as important as an ATBM that many people to show up you're effectively removing a provision for anybody to overturn an action or call a meeting which takes away legislative power of the community and she disagrees with that. She thinks it should be a

much lower threshold than 3%. Mr. Edgar said they understood. Mr. Bliss asked what she thought it should be. She said let's look at how many people showed up for public votes on a variety of topics over the last several years and if we heard ATBM has been 120 she doesn't know why it should be 125 or 150. She thinks 200 is too high. She thinks there are many other very important meetings where the Town has come to vote on things where they have made decisions with 30, 50, 60 people and if somebody is going to invoke 2-6 or 2-7 they are really upset about something that either the Selectmen have done or Selectmen have not done because under 2-7 you're asking them to do something that maybe they won't do. She thinks in those cases with the 5% threshold to get the petition signed she thinks you have your first cut at reality, normalcy, appropriateness and then once you have done that she doesn't know that a significantly higher threshold than any other town vote should be required.

Mr. Edgar said this is their thinking on it not to necessarily convince her. He spoke for himself. Yes, you have to get 5% but the way he thinks about it is, the 5% are people who have signed a petition that they haven't necessarily heard the entire discussion. These are events that basically haven't occurred in the last several years so these are extraordinary events. These are not events like an ATBM that happens every year and it is routine matter. This is something that the community at large is genuinely upset about. You have to get 5% that is a high threshold to even get the meeting particularly during the 20 day period that's for overturning. He thinks in fairness to the Board of Selectmen a sufficient number of people should be there to hear their side of the story cause when you are petitioning people they are not getting both sides. They are getting the petitioners view and he would like to have a full discussion with a significant body of people. He's not trying to necessarily convince her so much as to say that is how we arrived at that decision.

Ms. Sanborn said she doesn't know if he was living in Town the last time the 2.6 was invoked. Both sides of the discussion were out there loud and clear. It had to do with whether the 3-4-5 school proposal should be put on the referendum because it would overturn an action which was not to include it and when signatures were raised the Selectmen reconsidered and added it. It didn't get to the point where there had to be a meeting. From her experience if people are that upset about something it will have been bannered about, online and in the paper in advance. Her instinct tells her in having being involved in this community since 1960 that it is not going to be stealth because nothing is stealth around here. You can't get over 400 signatures on a stealth basis in 20 days. She could be wrong. Mr. Bochinski said they will be having more public hearings by Statute - there has to be at least one more and he expects they may have to consider two more so they can revisit that again if she wants to be heard.

Ms. Sanborn said we can all agree and we can all disagree and that is the beauty of democracy. She thanked the Commission.